IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

DATE OF DECISION: 4.8.2006

Des Raj and another

...Appellants

versus

Kulwant Kaur and others

... Respondents

CORAM:- Hon'ble Mr. Justice Uma Nath Singh.
Hon'ble Mr. Justice S.D.Anand.

Present: Mr.A.S.Sullar, Advocate,
for the appellants
Mr.Ashit Malik, Advocate
for respondent Nos.1 to 4.

UMA NATH SINGH, J.

This order shall also dispose of connected FAO No.86 of 2006 (Des Raj and another versus Kulwant Kaur and others), as both the appeals arise out of a common award dated 25.8.2005 passed by learned Presiding Officer, Motor Accident Claims Tribunal, Barnala, in MACT Case No. 18 of 17.3.2004, holding the respondents therein, including the appellants (registered owners of the vehicle), jointly and severally liable to pay the compensation amounts in two death cases.

Learned counsel submitted that the appellants have nothing to do with the vehicle and they complied with the requirements of Section 50 of the Motor Vehicles Act, 1988 (for short `the Act') at the time they had sold the vehicle to respondent No.5, who failed to get it transferred in his name. Learned counsel placed before the Court appellants' affidavit so also Form No.29 but despite opportunity having been granted, he is not in a position to produce a receipt to show that the said documents were actually

delivered in the office of the Registering Authority or sent by registered post. Learned counsel also submitted that the factum of sale of the offending vehicle to respondent No.5 is not disputed by him and he is also ready and willing to bear the liability.

Without going into this controversy, in the absence of any such receipt, as aforesaid, we are not inclined to accept the submissions of learned counsel. However, if the appellants discover any such receipt within a period of 3 years, they would be at liberty to seek appropriate remedy in the Civil Court.

Accordingly, both these appeals are hereby dismissed.

(UMA NATH SINGH)
JUDGE

August 4, 2006 **(S.D.ANAND)**
pk **JUDGE**